

for any fiscal year would exceed the amounts authorized for the fiscal year under paragraph (1), the allocation to each State under subsection (c) shall be reduced proportionately.

(3) USE OF UNALLOCATED FUNDS.—

(A) FISCAL YEAR 1999.—To the extent that the amounts made available for fiscal year 1999 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for fiscal year 1999, the excess amounts—

(i) shall be apportioned in accordance with section 104(b)(3);

(ii) shall be considered to be sums made available for expenditure on the surface transportation program, except that the amounts shall not be subject to section 133(d); and

(iii) shall be available for any purpose eligible for funding under section 133.

(B) FISCAL YEARS 2000 THROUGH 2005.—To the extent that the amounts made available for any of fiscal years 2000 through 2005 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for the fiscal year, the excess amounts shall be used to make allocations under subsection (f).

(Added Pub. L. 105-178, title I, §1403(a), June 9, 1998, 112 Stat. 237; amended Pub. L. 108-88, §6(a)(1), Sept. 30, 2003, 117 Stat. 1119; Pub. L. 108-202, §6(a), Feb. 29, 2004, 118 Stat. 483; Pub. L. 108-224, §5(a), Apr. 30, 2004, 118 Stat. 632; Pub. L. 108-263, §5(a), June 30, 2004, 118 Stat. 703; Pub. L. 108-280, §5(a), July 30, 2004, 118 Stat. 881; Pub. L. 108-310, §6(a)(1), Sept. 30, 2004, 118 Stat. 1152; Pub. L. 109-14, §5(a)(1), May 31, 2005, 119 Stat. 329; Pub. L. 109-20, §5(a)(1), July 1, 2005, 119 Stat. 351; Pub. L. 109-35, §5(a)(1), July 20, 2005, 119 Stat. 384; Pub. L. 109-37, §5(a)(1), July 22, 2005, 119 Stat. 399; Pub. L. 109-40, §5(a)(1), July 28, 2005, 119 Stat. 415; Pub. L. 109-59, title I, §1406, Aug. 10, 2005, 119 Stat. 1231.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(6), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XVIII and XIX of the Social Security Act are classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The date of enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 105-178, which was approved June 9, 1998.

PRIOR PROVISIONS

A prior section 157, added Pub. L. 97-424, title I, §150(a), Jan. 6, 1983, 96 Stat. 2131; amended Pub. L. 99-272, title IV, §4102(f), Apr. 7, 1986, 100 Stat. 113; Pub. L. 100-17, title I, §§105(h), 124, Apr. 2, 1987, 101 Stat. 144, 164; Pub. L. 102-240, title I, §§1002(h), 1013(a), (b), Dec. 18, 1991, 105 Stat. 1918, 1940; Pub. L. 103-272, §5(f)(3), July 5, 1994, 108 Stat. 1374, related to minimum allocations to States, prior to repeal by Pub. L. 105-178, title I, §1403(a), June 9, 1998, 112 Stat. 237.

AMENDMENTS

2005—Subsec. (g)(1). Pub. L. 109-59 substituted “2004, and \$112,000,000 for fiscal year 2005” for “2004, and \$92,975,342 for the period of October 1, 2004, through July 30, 2005”.

Pub. L. 109-40 substituted “\$92,975,342 for the period of October 1, 2004, through July 30, 2005” for “\$92,054,794 for the period of October 1, 2004, through July 27, 2005”.

Pub. L. 109-37 substituted “\$92,054,794 for the period of October 1, 2004, through July 27, 2005” for “\$90,720,000 for the period of October 1, 2004, through July 21, 2005”.

Pub. L. 109-35 substituted “\$90,720,000 for the period of October 1, 2004, through July 21, 2005” for “\$89,600,000 for the period of October 1, 2004, through July 19, 2005”.

Pub. L. 109-20 substituted “\$89,600,000 for the period of October 1, 2004, through July 19, 2005” for “\$84,000,000 for the period of October 1, 2004, through June 30, 2005”.

Pub. L. 109-14 substituted “\$84,000,000 for the period of October 1, 2004, through June 30, 2005” for “\$74,666,667 for the period of October 1, 2004, through May 31, 2005”.

2004—Subsec. (a)(3), (8)(B). Pub. L. 108-310, §6(a)(1)(A), (B), substituted “2003” for “2002”.

Subsec. (b). Pub. L. 108-310, §6(a)(1)(C), substituted “2005” for “2003” in introductory provisions.

Subsecs. (c)(1), (2), (f)(4). Pub. L. 108-310, §6(a)(1)(D)–(F), substituted “2004” for “2003”.

Subsec. (g)(1). Pub. L. 108-310, §6(a)(1)(G), struck out “and” after “2003,” and inserted “, and \$74,666,667 for the period of October 1, 2004, through May 31, 2005” before period at end.

Pub. L. 108-280 substituted “\$112,000,000 for fiscal year 2004” for “\$93,333,333 for the period of October 1, 2003, through July 31, 2004”.

Pub. L. 108-263 substituted “\$93,333,333 for the period of October 1, 2003, through July 31, 2004” for “\$84,000,000 for the period of October 1, 2003, through June 30, 2004”.

Pub. L. 108-224 substituted “\$84,000,000 for the period of October 1, 2003, through June 30, 2004” for “\$65,333,333 for the period of October 1, 2003, through April 30, 2004”.

Pub. L. 108-202 substituted “\$65,333,333 for the period of October 1, 2003, through April 30, 2004” for “\$46,666,667 for the period of October 1, 2003, through February 29, 2004”.

Subsec. (g)(3)(B). Pub. L. 108-310, §6(a)(1)(H), (I), substituted “2005” for “2004” in heading and text.

2003—Subsec. (a)(3), (8)(B). Pub. L. 108-88, §6(a)(1)(A), (B), substituted “2002” for “2001”.

Subsec. (b). Pub. L. 108-88, §6(a)(1)(C), substituted “2003” for “2002” in introductory provisions.

Subsecs. (c)(1), (2), (f)(4). Pub. L. 108-88, §6(a)(1)(D)–(F), substituted “2003” for “2002”.

Subsec. (g)(1). Pub. L. 108-88, §6(a)(1)(G), struck out “and” after “2002,” and inserted before period at end “, and \$46,666,667 for the period of October 1, 2003, through February 29, 2004”.

Subsec. (g)(3)(B). Pub. L. 108-88, §6(a)(1)(H), (I), substituted “2004” for “2003” in heading and text.

SAVINGS CLAUSE

Pub. L. 105-178, title I, §1403(c), June 9, 1998, 112 Stat. 240, provided that: “The amendment made by subsection (a) [enacting this section and repealing former section 157 of this title] shall not affect any funds apportioned or allocated before the date of enactment of this Act [June 9, 1998].”

§ 158. National minimum drinking age

(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—

(1) IN GENERAL.—The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(4) of this title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(2) STATE GRANDFATHER LAW AS COMPLYING.—If, before the later of (A) October 1, 1986, or (B) the tenth day following the last day of the first session the legislature of a State convenes after the date of the enactment of this paragraph, such State has in effect a law

which makes unlawful the purchase and public possession in such State of any alcoholic beverage by a person who is less than 21 years of age (other than any person who is 18 years of age or older on the day preceding the effective date of such law and at such time could lawfully purchase or publicly possess any alcoholic beverage in such State), such State shall be deemed to be in compliance with paragraph (1) in each fiscal year in which such law is in effect.

(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.

(c) ALCOHOLIC BEVERAGE DEFINED.—As used in this section, the term “alcoholic beverage” means—

- (1) beer as defined in section 5052(a) of the Internal Revenue Code of 1986,
- (2) wine of not less than one-half of 1 percentum of alcohol by volume, or
- (3) distilled spirits as defined in section 5002(a)(8) of such Code.

(Added Pub. L. 98-363, §6(a), July 17, 1984, 98 Stat. 437; amended Pub. L. 99-272, title IV, §4104, Apr. 7, 1986, 100 Stat. 114; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105-178, title I, §1103(l)(2), June 9, 1998, 112 Stat. 125.)

REFERENCES IN TEXT

The date of the enactment of this paragraph, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 99-272, which was approved Apr. 7, 1986.

The Internal Revenue Code of 1986, referred to in subsec. (c), is set out in Title 26, Internal Revenue Code.

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105-178, §1103(l)(2)(A)(i)–(iii), redesignated par. (2) as (1), substituted “In general” for “After the first year” in heading and “104(b)(3), and 104(b)(4)” for “104(b)(2), 104(b)(5), and 104(b)(6)” in text, and struck out former par. (1) which read as follows:

“(1) FIRST YEAR.—The Secretary shall withhold 5 percentum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.”

Subsec. (a)(2), (3). Pub. L. 105-178, §1103(l)(2)(A)(ii), (iv), redesignated par. (3) as (2) and substituted “paragraph (1)” for “paragraphs (1) and (2) of this subsection”. Former par. (2) redesignated (1).

Subsec. (b). Pub. L. 105-178, §1103(l)(2)(B), added subsec. (b) and struck out heading and text of former subsec. (b) which related to period of availability for apportionment to State of funds withheld by the Secretary pending State enactment of federally-prescribed minimum drinking age.

1986—Subsec. (a). Pub. L. 99-272, §4104(d)(1), added subsection heading.

Subsec. (a)(1). Pub. L. 99-272, §4104(d)(2)–(4), added paragraph heading, aligned margins, and inserted “first” before “fiscal year beginning”.

Subsec. (a)(2). Pub. L. 99-272, §4104(a), (d)(3), (5), added paragraph heading, realigned margins, and substituted “each fiscal year after” for “the fiscal year succeeding”.

Subsec. (a)(3). Pub. L. 99-272, §4104(b), added par. (3).
Subsec. (b). Pub. L. 99-272, §4104(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as

follows: “The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) of this section in fiscal year if in any succeeding fiscal year such State makes unlawful the purchase or public possession of any alcoholic beverage by a person who is less than twenty-one years of age.”

Subsec. (c). Pub. L. 99-272, §4104(d)(6), added subsection heading.

Subsec. (c)(1). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

§ 159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses

(a) WITHHOLDING OF APPORTIONMENTS FOR NON-COMPLIANCE.—

(1) BEGINNING IN FISCAL YEAR 1994.—For each fiscal year the Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of section 104(b) on the first day of each fiscal year which begins after the second calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on such date.

(2) BEGINNING IN FISCAL YEAR 1996.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of section 104(b) on the first day of each fiscal year which begins after the fourth calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

(3) REQUIREMENTS.—A State meets the requirements of this paragraph if—

(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

(i) the revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of—

(I) any violation of the Controlled Substances Act, or

(II) any drug offense; and

(ii) a delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted; or

(B) the Governor of the State—

(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the effective date of this section a written certification